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Mars, Incorporated and MEI, Inc.

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY**

Mars, Incorporated and MEI, Inc.,

Plaintiffs,

v.

JCM American Corp., and  
Japan Cash Machine Co. Ltd.,

Defendants.

05 CV-3165 (RBK-JS)

**NOTICE OF CROSS-APPEAL**

Notice is hereby given that, to the extent Defendants' Notice of Appeal, filed August 28, 2009, is deemed proper, Plaintiffs Mars, Incorporated and MEI, Inc. ("Plaintiffs") hereby cross-appeal to the United States Court of Appeals for the Federal Circuit from the Order of the

District Court (Doc. 171), and corresponding Opinion (Doc. 170), entered in this action on December 23, 2008, granting the dismissal of Plaintiffs' Complaint and Amended Complaint.

Plaintiffs also appeal, to the extent Defendants' Notice of Appeal is deemed proper, the Court's Construction of one or more terms appearing in the Court's March 17, 2008 Opinion (Doc. 136), the Court's July 2, 2008 Amended Opinion (Doc. 146) and the Court's corresponding Order dated March 17, 2008 (Doc. 137).

This notice is filed to preserve Plaintiffs' right to cross-appeal in response to Defendants' Notice of Appeal. However, Plaintiffs believe the Notice of Appeal is improper at least because no final judgment has been entered in this case. Therefore, Plaintiffs intend to move to dismiss Defendants' appeal.

MCCARTER & ENGLISH LLP

Dated: September 11, 2009

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CERTIFICATION OF SERVICE

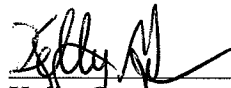
I hereby certify that copies of the foregoing Notice of Cross-Appeal were served upon counsel for Defendants as indicated below this 11th day of September 2009 at the following addresses:

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Dated: September 11, 2009

  
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Kelly Garrone